

# THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

## COUNCIL MINUTES

**MEETING NO. NINETEEN HELD:** Monday, December 15, 2008 - Township Administration Building, 318 Canborough Street, Smithville, Ontario - 7:00 p.m.

**PRESENT:**

**Council:** Mayor Katie Trombetta  
Alderman Mary Dinga  
Alderman John Glazier  
Alderman Norm Johnson  
Alderman Douglas Joyner  
Alderman Sue-Ellen Merritt  
Alderman Mike Rehner

**Staff:** Derrick Thomson, CAO  
Carolyn Langley, Clerk  
Joanne Scime, Deputy Clerk  
Brian Treble, Director of Planning & Building\*  
Kathy Sipos, Public Works Manager\*

**Others:** Alex Graovac, McFeeters Enterprises\*  
Murray Mazza, Solicitor – McFeeters Enterprises\*  
Marc Jolin\*  
Bryan Cranston\*  
Bob Earl\*  
Otto Mastroianni\*  
Mrs. Gladys St. Johns\*  
Rob Griffin\*  
Scott Phillips\*  
Dave Orgar\*  
Jackie Orgar\*  
Jorge Clemencio\*  
Andrea Clemencio\*  
Glenn Pavlik\*  
Eric Hysert\*  
Lisa Blythe\*  
David Hysert\*  
John Petropoulos\*  
Chris Moulton\*  
Will Mulder\*  
Carol Mulder\*  
And approximately 2 other members of the Public\*

**Media:** Marcel VanderWier, Grimsby-Lincoln News\*  
Stephanie Sisler, West Niagara News\*

\* IN ATTENDANCE PART TIME

1. **INVOCATION:**

**Alderman Mary Dinga**

2. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST:**

Alderman Douglas Joyner declared a conflict of interest and/or disclosure of pecuniary interest with respect to the appointment of the Deputy Fire Chief (and appointing by-laws), due to the fact that he had a family member that had applied for the position. Alderman Joyner advised he would not be taking part in any discussion nor voting with respect to this matter and left the Council Chambers during discussion of this issue during closed session deliberations.

3. **COMMENTS FROM THE PUBLIC:**

There were no comments from any member of the public.

4. **CONFIRMATION OF MINUTES:**

- (a) Council Minutes – Regular  
November 24, 2008

Moved by Alderman John Glazier and seconded by Alderman Douglas Joyner:

That, the minutes of the open session portion of the November 24, 2008 regular Council meeting be accepted without errors or omissions.

That the minutes of the closed session portion of the November 24<sup>th</sup>, 2008 Council meeting be accepted without errors or omissions; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- Carried **AS AMENDED (see below)**

Moved by Alderman John Glazier and seconded by Alderman Sue-Ellen Merritt:

That, the open session portion of the November 24, 2008 Council minutes be amended by adding an “X” beside the name “Alderman John Glazier, under the “YES” column of the recorded vote on Page 9.

- Carried

- (b) Public Meetings under the Planning Act  
December 1, 2008 Minutes

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Douglas Joyner:

That, the minutes of a public meeting held on December 1, 2008, under Section 34 of the Planning Act, with respect to:

(a) a ZONING BY-LAW AMENDMENT– Niagara Pallet & Recyclers Limited be accepted.

- Carried

- (c) Consultation Meeting Under the Consultation Process for Wireless Telecommunication Facilities (Rogers Wireless Inc.)  
December 1, 2008 Minutes

Moved by Alderman Mike Rehner and seconded by Alderman Norm Johnson:

That, the minutes of the Consultation Meeting under the Consultation Process for Wireless Telecommunication Facilities, held on December 1, 2008 with respect to:

1. an application by Rogers Wireless Inc. to establish a wireless telecommunication tower for wireless data service on property municipally known as 2925 Regional Road 8 (Grassie Road)  
be accepted.  
- Carried

**5. COMMUNICATIONS:**

- (a) Joint Services Committee  
Re: October 27, 2008 Minutes

Moved by Alderman Douglas Joyner and seconded by Alderman Sue-Ellen Merritt:

That the minutes of the Joint Services Committee meeting held on October 27, 2008, be received and that the recommendations contained therein, be approved.  
- Carried

**6. APPOINTMENTS/PRESENTATIONS:**

- (a) Alex Graovac, G. McFeeters Enterprises Inc. and Murray Mazza, Solicitor  
Re: Zoning By-Law Amendment - G. McFeeters Enterprises Inc.

Mr. Murray Mazza advised that he was the solicitor and agent acting on behalf of G. McFeeters Enterprises Inc., and that accompanying him this evening was Mr. Alex Graovac, Operations Manager for McFeeters Enterprises. Mr. Mazza advised that application was made to swap a portion of the A2-106 zoned lands for a portion of the lands zoned Agricultural A2. Mr. Mazza advised that his clients had assumed that the grinding operation was agriculturally related and therefore would be permitted in the A2 zone. Mr. Mazza noted that there were other businesses in the area that carry out the same type of operation on agricultural zoned lands; however, the Township has taken the position that this activity is commercial and suggested a swap of the A2-106 zoned lands for a portion of the lands zoned Agricultural A2. Mr. Mazza noted that Township staff was recommending a maximum 10% lot coverage on the portion of lands zoned A2-106 whereby 12.5% would be permitted under the Township's Zoning By-law which has been in place since 1979. Mr. Mazza noted that this reduction in lot coverage will result in a substantial financial loss to his clients and that he has a copy of a letter of opinion from DTZ Barnicke, a real estate brokerage firm, who have estimated a potential loss in real estate rental value of

\$88,500.00 per year and approximately 3.5 million dollars in potential lost gross sales per year. Mr. Mazza requested Council to consider removing the cap of 10% maximum lot coverage on the A2-106 portion of the subject lands as recommended by Planning Staff. Mr. Mazza reiterated his concerns relating to the substantial financial burden that his client (McFeeters) would suffer should the 10% maximum lot coverage be attached to the A2-106 zoning and that this amendment to the zoning may compel his client to appeal Council's decision to the Ontario Municipal Board which will be costly for both his client as well as the municipality.

The Director of Planning & Building advised that the Region had stated that they have concerns with the scale of the operation, as it does not meet the requirements of being small in scale. The Director of Planning & Building advised that the property currently has permitted maximum lot coverage of 12.5%, as per the requirements of the Agricultural A2 zone. The Director of Planning & Building advised that the Region has requested a reduction (to 6% or 8%) to the 12.5% maximum lot coverage in order to bring the operation further into compliance with relevant Provincial policies. The Director of Planning & Building noted that Township Planning Staff were recommending 10% lot coverage for the A2-106 zone which in staff's opinion, would permit a reasonable expansion of the operation while addressing the concerns of the Region to control future growth of this operation. The Director of Planning & Building noted that the public meeting process that was undertaken had clearly indicated that a cap on the maximum lot coverage of 10% was being proposed and any adjustment to the cap would require another public meeting. The Director of Planning & Building advised that should the zoning by-law amendment be approved this evening, there would be opportunity for the applicant to apply for a minor variance to increase the maximum lot coverage cap.

Alderman Merritt stated that she found it interesting that the representative and solicitor for the applicant were in attendance this evening to request Council's consideration to remove the proposed 10% maximum lot coverage cap on the A2-106 zoning when they could have requested this amendment at the public meeting, which would have allowed the public an opportunity to speak to the issue. Alderman Merritt noted that, in her opinion, the Region had requested a 6 to 8% maximum lot coverage to be applied to the commercial portion of the property and she felt that the Township was being generous by recommending a cap of 10% maximum lot coverage.

**7. REPORT OF COMMITTEE:**

- (a) Planning/Building/Environmental Committee  
Re: December 1, 2008 Minutes

**SUMMARY OF RECOMMENDATIONS:**

**(a) ITEM P197-08**

- (1) That, Report No. PD-143-08, dated December 1, 2008, relating to a proposal for a wireless telecommunication tower by Rogers Wireless Inc., BE RECEIVED; and

- (2) That, Staff be and are hereby authorized to send a letter to Rogers Wireless Inc. advising that the Township of West Lincoln has no objections to their tower proposal subject to the installation of anti climbing shields and request that Rogers Wireless Inc. obtain a Building Permit prior to constructing the tower.
  
- (b) ITEM P198-08**

That, Report No. PD-142-08, dated December 1, 2008, relating to an application for temporary use by-law for Niagara Pallet & Recyclers Limited, BE APPROVED as amended, to authorize a one year temporary use by-law.
  
- (c) ITEM P199-08**
  - (1) That, Report No. PD-146-08, dated December 1, 2008, relating to application for Rezoning for G. McFeeters Holdings Inc., BE APPROVED.
  
  - (2) That, no further public meeting is required pursuant to Section 34(17) of the Planning Act as the requested modification to the original Zoning By-law Amendment is minor in nature.
  
- (d) ITEM P200-08**
  - (1) That, Report No. PD-137-08, dated December 1, 2008 regarding an Amending Site Plan Authorizing By-law for Stage 1 of Wes-Li Gardens Plan of Condominium Extension (Owned by Van Fab Limited) BE RECEIVED; and,
  
  - (2) That, a By-law authorizing the Mayor and Clerk to enter into an amending site plan agreement between the Township of West Lincoln and Van Fab Limited and Jenny Smit, BE APPROVED.
  
- (e) ITEM P201-08**
  - (1) That report PD-144-08,dated December 1, 2008 regarding the Exemption from Part Lot Control (Phelps Homes Ltd.) for Block 24 and Block 27 in the Brookside Estates (now Smithville on the Twenty) Subdivision, BE RECEIVED; and
  
  - (2) That the By-law to remove Part Lot Control on the lands described as Block 24 and Block 27, Registered Plan 30M-368 (Smithville on the Twenty Subdivision), BE APPROVED.
  
- (f) ITEM P202-08**
  - (1) That, Report PD-145-08, dated December 1, 2008, regarding the Region of Niagara's Request for Niagara municipalities to identify whether they would support requests to expand the Greenbelt within their municipality, BE RECEIVED; and,
  
  - (2) That, the Region of Niagara be advised that any application for the expansion of the Greenbelt that effects lands within the Township of West Lincoln will be considered by Township Staff

and Council with a response being provided on a case by case basis only.

**(g) ITEM P203-08**

RECOMMENDATION #1:

- (1) That, Report No. PD-147-08, dated December 1, 2008, related to submissions by Les Van Egmond & Sons Wholesale Florists Ltd. and James Harley Smith to the Ontario Superior Court of Justice against the interpretation of provisions of By-law 79-14 BE RECEIVED; and
- (2) That, Township legal counsel from the firm of Sullivan-Mahoney is hereby authorized to prepare a response and represent the Township of West Lincoln at these hearings.

RECOMMENDATION #2 (AMENDMENT):

That, the following new section 3 be added to the recommendation contained in Report No. PD-147-08

- (3) That, Sullivan Mahoney be authorized to prepare a response and represent the Township of West Lincoln at the hearings prior to ratification by Council.

**(h) ITEM P204-08**

That, the resolution as adopted at the November 24<sup>th</sup>, 2008 Council meeting which directed staff to write a letter to Modern Corporation and the Ministry of Environment informing them of the Committee concerns with respect to the proposed amendment to their Certificate of Approval; be withdrawn.

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Douglas Joyner:

That, the minutes of the Planning/Building/Environmental Committee meeting held on December 1, 2008, be received and that the recommendations contained therein, be approved.  
- Carried.

- (b) Administration/Finance/Fire Committee  
Re: December 8, 2008 Minutes

SUMMARY OF RECOMMENDATIONS:

**(a) ITEM A123-08**

That, the West Lincoln Cemetery Board minutes of a meeting held on October 8, 2008 be accepted.

**(b) ITEM A124-08**

RECOMMENDATION #1:

- (1) That, Report WLFD-08-04, dated December 8, 2008, regarding "West Lincoln Township Early and Safe Return to Work Policy and Program" be received; and,

- (2) That, the Early and Safe Return to Work Policy and Program as attached to this Report as "Schedule A" be adopted by Council.

RECOMMENDATION #2 (Referral):

That, Report WLFD-08-04 regarding "West Lincoln Township Early and Safe Return to Work Policy and Program" be referred to staff for further review.

**(c) ITEM A125-08**

- (1) That, Report WLFD-08-05 dated December 8, 2008, Computer-Aided Dispatch Agreement with the City of St. Catharines be received, and that
- (2) Staff prepare a By-law for approval authorizing the Mayor and Clerk to execute an up-dated continuing agreement on behalf of the Township of West Lincoln to December 31, 2009.

**(d) ITEM A126-08**

- (1) That, this report WLCB 08-03 Laidlaw Abandoned Pioneer Burial Site dated October, 2008 be received, and,
- (2) That, no further action be taken by the Township with respect to the assumption of old abandoned burial sites.

**(e) ITEM A127-08**

- (1) That, Report RFD-C-21-08 regarding "Efficiency Measures – Introduction of Consent Agenda", dated December 8, 2008, be received; and,
- (2) That a new section be included on future Council and Committee agendas entitled "Consent Agenda" to deal with matters that may not require debate.

**(f) ITEM A128-08**

- (1) That, Clerk report RFD-C-22-08, dated December 8, 2008, regarding "Consultant Agreement with 'The Herrington Group' to coordinate the Joint Accessibility Advisory Committee and Continued Participation in Joint Committee", be received; and,
- (2) That, the proposal submitted by "The Herrington Group" to coordinate Ontarians with Disabilities Act compliance for the Joint Accessibility Advisory Committee, be accepted; and,
- (3) That, a by-law be passed authorizing the Mayor and Clerk to enter into an agreement with "The Herrington Group" for consulting services for a one year period from February 1, 2009 to January 31, 2010, along with the other participating municipalities; and,
- (4) That, the Township of West Lincoln continue to participate as a member of the Joint Accessibility Advisory Committee for 2008, at

a cost of \$10,000.00 and that any surpluses resulting from this commitment be transferred to a reserve for future Accessibility related requirements.

**(g) ITEM A130-08**

That, the request from Mr. Sheldrake for a bike ride event "Evans Ride 2009" be accepted in principle subject to obtaining the required approvals and that a future report be forwarded to Committee addressing the issues of concern.

**(h) ITEM A132-08**

That, staff be authorized to proceed as directed in closed session.

Moved by Alderman Mary Dinga and seconded by Alderman Norm Johnson:

That, the minutes of the open session portion of the Administration/Finance/Fire Committee meeting held on December 8, 2008, be received and that the recommendations contained therein, be approved.

That the minutes of the closed session portion of the December 8, 2008 Administration/Finance/Fire Committee meeting be received and approved; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

- Carried

- (c) Public Works/Recreation/Arena Committee  
Re: December 8, 2008 Minutes

SUMMARY OF RECOMMENDATIONS:

**(a) ITEM PW149-08**

- (1) That, Deputy Clerk Report No. RFD-C-20-08 regarding a "By-law to Stop up and Close Road Allowance and Re-convey Road Allowance to AT Realty Inc. (Agra Turf Equipment Services Inc.)", dated December 8, 2008, be received; and,
- (2) That, a by-law be passed to stop up and close a portion of the road allowance between Lots 25 & 26, Concession 9, South Grimsby, as legally described within Report RFD-C-20-08; and,
- (3) That, the portion of road allowance be re-conveyed to AT Realty Inc. (Agra Turf Equipment Services Inc.), being the present owners of the said lands; and,
- (4) That, the requirements contained in (1) "Policy for Closing, Declaring surplus and selling a Highway or Portion Thereof"; and (2) By-law 95-31, being a by-law "To Establish Procedures for the Sale of Real Property owned by the Corporation of the Township of West Lincoln", be waived.

**(b) ITEM PW150-08**

1. THAT, report RFD PW-65/2008, re: Declaration of Public Highway Oakdale Boulevard, dated December 8, 2008, be accepted, and;
2. THAT, a bylaw be presented to Council to declare a portion of Oakdale Boulevard a Public Highway.

**(c) ITEM PW151-08**

1. THAT, report RFD PW-66/2008, re: Zero Turn Ride-On Mower Tender Results, dated December 8, 2008, be accepted, and;
2. THAT, all tenders for the Zero Turn Ride-On Mower be rejected, and;
3. THAT, alternatives be explored to replace a 2002 riding mower during budget deliberations.

**(d) ITEM PW152-08**

1. THAT, report RFD PW-67/2008, re: Rear Mount Mower Tender Results, dated December 8, 2008, be accepted, and;
2. THAT, the tender from Joe Johnson Equipment Inc., for the purchase of a rear boom flail mower, in the amount of \$20,947.00, plus taxes, be accepted.

**(e) ITEM PW153-08**

1. THAT, Report RFD PW-68/2008, re: 2009 Sports Fields Rates, dated December 8, 2008 be accepted; and,
2. THAT, Schedule "B" of Bylaw 2002-115 be amended at the next Council meeting to reflect a 4% increase to sports fields rates for the 2009 season.

Moved by Alderman Norm Johnson and seconded by Alderman Mike Rehner:

That, the Public Works/Recreation/Arena Committee minutes of a meeting held on December 8, 2008, be received and that the recommendations contained therein, be approved.

- Carried

**8. RECONSIDERATION:**

There were no items for reconsideration.

**9. NOTICE OF MOTION:**

There were no notices of motion.

10. **OTHER BUSINESS:**

- (a) CAO  
Re: RFD-CAO-11-08 Shared Services Agreement - Drainage Superintendent Services (West Lincoln, Pelham and Wainfleet)

Moved by Alderman Mike Rehner and seconded by Alderman Norm Johnson:

1. That, Report RFD-CAO-11-08, dated December 15, 2008, regarding "Shared Service Agreement – Drainage Superintendent Services (West Lincoln, Pelham and Wainfleet)" be received; and,
2. That, based on the recommendation from the Joint Services Committee, the Township of West Lincoln, the Town of Pelham and the Township of Wainfleet extend the shared service arrangement with respect to the sharing of Drainage Superintendent Services; and,
3. That a by-law be passed authorizing the Mayor and Clerk to sign an agreement between the Township of West Lincoln, Town of Pelham and the Township of Wainfleet for the sharing of services of a Drainage Superintendent.

- **REFERRED (see below)**

Moved by Alderman Mike Rehner and seconded by Alderman Mary Dinga:

That, Report RFD-CAO-11-08 "Shared Service Agreement – Drainage Superintendent Services (West Lincoln, Pelham and Wainfleet)" be referred to closed session for further discussion of a personnel matter.

- Carried

- (b) Mayor Katie Trombetta  
Re: Waste Management – Level of Service (i.e. Green Bin, etc)

Alderman Johnson moved an amendment to recommendation 1 of the resolution to add the Hamlet of Wellandport as an additional exception along with the urban area of Smithville, however, there was no seconder for the proposed amendment.

Moved by Alderman John Glazier and seconded by Alderman Douglas Joyner:

That, the Region of Niagara be advised that the Township of West Lincoln strongly opposes:

1. The proposal for green bin organic collection services in the Township of West Lincoln with the exception of the urban area of Smithville,
2. The reduction of garbage collection service from weekly to bi-weekly,
3. The proposed one bag limit per household.

- Carried.

(c) Members of Council  
Re: Other Business Items

1. Alderman John Glazier  
Re: Newspaper Article – Strategic Lawsuits against Public Participation

In response to Alderman Glazier's inquiry regarding whether the CAO had seen a recent newspaper article regarding developers and industries suing people who fight unwanted projects (Strategic Lawsuits Against Public Participation – SLAPP), the CAO advised that he was not aware of the matter.

Mayor Trombetta suggested that Alderman Glazier provide the CAO with a copy of the article so he could investigate the matter and report back.

2. Alderman Sue-Ellen Merritt  
Re: MPP Peter Kormos Proposal to Put West Lincoln Memorial Hospital under the Umbrella of the Niagara Health System

Alderman Sue-Ellen Merritt noted that she had read that Mr. Peter Kormos, MPP, was proposing that the West Lincoln Memorial Hospital be put under the umbrella of the Niagara Health System and she hoped West Lincoln Memorial Hospital was aware of this proposal as they might have some concerns.

3. Alderman Sue-Ellen Merritt  
Re: Township of South Stormont – Support of Resolution – Ontario Society for the Prevention of Cruelty to Animals

Alderman Sue-Ellen Merritt requested that the resolution received from the Township of South Stormont regarding "Ontario Society for the Prevention of Cruelty to Animals" be placed on a Committee agenda meeting as she had concerns regarding the power that would be granted to OSPCA through Bill 50 (Provincial Animal Welfare Act).

Mayor Trombetta directed staff to include the above noted resolution on the January, 2009 Administration/Finance/Fire Committee agenda.

4. Alderman Sue-Ellen Merritt  
Re: New Item of Business - Confidential Matter – Identifiable Individual – Committee of Adjustment (File A19/2008WL)

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Douglas Joyner:

That, leave be granted to introduce a new item of business, being the decision of the Committee of Adjustment relating to file A19/2008WL (To be discussed in closed session).

- Carried.

5. Mayor Katie Trombetta  
Re: Hunting of Coyotes at Niagara Road 12 Landfill Site

Mayor Trombetta advised Members of Council that the Region was proposing to allow hunters to enter the Niagara Road 12 Landfill Site to hunt coyotes and the Region was requesting Township Council's endorsement of this proposal.

Mayor Trombetta took a poll of Members of Council regarding whether they had any concerns regarding the Region allowing hunters to enter the Niagara Road 12 Landfill Site to hunt coyotes and it was the consensus of Council that they had no concerns with respect to this proposal.

Mayor Trombetta noted that she would write a letter to the Region to advise them that the Township has no concern with respect to the issue of the Region allowing hunters to enter the Niagara Road 12 Landfill site to hunt coyotes.

**11. BY-LAWS:**

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Douglas Joyner:

That, leave be granted to introduce the following by-laws and the same be now read a first time:

- (a) By-law 2008-146 To confirm proceedings of November 24, 2008 regular Council meeting.
- (b) By-law 2008-147 Zoning Amendment (One Year Temporary Use – Niagara Pallet & Recyclers Limited)
- (c) By-law 2008-148 Zoning By-law Amendment (G. McFeeters Holdings Inc.)
- (d) By-law 2008-149 To authorize an Amendment to the existing Site Plan Agreement (Wes-Li Gardens Inc/Van Fab Limited/Jenny Smit)
- (e) By-law 2008-150 To exempt certain lands from Part Lot Control (Blocks 24 & 27, Registered Plan 30M-368 - Smithville on the Twenty Subdivision – Phelps Homes Ltd)

- Carried

Alderman Norm Johnson requested that By-law 2008-148 regarding a Zoning By-law Amendment for G. McFeeters Holdings Inc. be voted on separately.

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Douglas Joyner:

That, By-laws 2008-146, 2008-147, 2008-149 and 2008-150 just read a first time be now read a second and third time and finally passed and that the Mayor and Clerk do sign and seal the same, any rule of this Council to the contrary notwithstanding.

- Carried

Moved by Alderman Norm Johnson and seconded by Alderman Mary Dinga:

That, By-law 2008-148 just read a first time be now read a second and third time and finally passed and that the Mayor and Clerk do sign and seal the same, any rule of this Council to the contrary notwithstanding.

- Carried

Moved by Alderman Norm Johnson and seconded by Alderman Mike Rehner:

That, leave be granted to introduce the following by-laws and the same be now read a first time:

- (a) By-law 2008-151 To assume Block 89 on Oakdale Boulevard as a public Road (Anastasio Estates – Phase II)
- (b) By-law 2008-152 To amend By-law 2002-115 which confirms fees and charges for the Corporation of the Township of West Lincoln (4% increase - 2009 season - Sports Fields Rates)
- (c) By-law 2008-153 To authorize an Agreement (Addendum) between the Corporation of the City of St. Catharines and the Corporation of the Township of West Lincoln to extend the term of and amend the rate for the agreement for computer-aided fire dispatch services (to Dec. 31, 2009)

- Carried

Moved by Alderman Norm Johnson and seconded by Alderman Mary Dinga:

That, By-laws 2008-151, 2008-152 and 2008-153 just read a first time be now read a second and third time and finally passed and that the Mayor and Clerk do sign and seal the same, any rule of this Council to the contrary notwithstanding.

- Carried

Moved by Alderman Douglas Joyner and seconded by Alderman Sue-Ellen Merritt:

That, leave be granted to introduce the following by-laws and the same be now read a first time:

- (a) By-law 2008-154 To authorize an agreement between the Corporation of the Township of West Lincoln, the Corporation of the Town of Grimsby, the Corporation of the Town of Lincoln, the Corporation of the Town of Niagara-on-the-Lake, the Corporation of the Town of Pelham and the Corporation of the City of Thorold and the Herrington Group for the provision of consulting services relating to the

administration of the Joint Accessibility Advisory Committee.

- (b) By-law 2008-156 To permanently close and re-convey a portion of the road allowance between Lots 25 & 26, Conc. 9, South Grimsby (Legal Description contained therein – Re-conveyed to AT Realty Inc. (Agra Turf Equipment Services Inc.)
- (c) By-law 2008-157 To prohibit the smoking of tobacco at entrances to Township owned facilities (and repeal 2008-145)
- Carried

Moved by Alderman Douglas Joyner and seconded by Alderman Sue-Ellen Merritt:

That, By-laws 2008-154, 2008-156 and 2008-157 just read a first time be now read a second and third time and finally passed and that the Mayor and Clerk do sign and seal the same, any rule of this Council to the contrary notwithstanding.

- Carried

## **12. CONFIDENTIAL MATTERS:**

Moved by Alderman Mike Rehner and seconded by Alderman Mary Dinga:

That, the next portion of this meeting be closed to the public to consider the following pursuant to Section 239(2) of the Municipal Act 2001 (7:50 p.m.):

1. personal matters about an identifiable individual including labour relations and/or employee negotiations (including municipal or local board employees).

- Carried.

**NOTE:** Alderman Douglas Joyner declared a conflict of interest and/or disclosure of pecuniary interest with respect to the appointment of Deputy Fire Chief, due to the fact that he had a family member that had applied for the position. Alderman Joyner advised he would not be taking part in any discussion nor voting with respect to this matter and left the Council Chambers during discussion of this issue (Item “b” under Confidential Matters).

Moved by Alderman Mary Dinga and seconded by Alderman Norm Johnson:

That, this Council meeting does now resume in open session at 8:05 p.m.

- Carried

The Council meeting recessed at 8:05 p.m. in order to deal with the Special Council Meeting to consider the Engineer’s report for the Wortel Municipal Drain Extension and the Van Buuren Municipal Drain – Branch A.

The Council meeting reconvened at 10:55 p.m.

Moved by Alderman Sue-Ellen Merritt and seconded by Alderman Douglas Joyner:

That, this Council meeting does now deliberate beyond the hour of 11:00 p.m.

- Carried

**12. CONFIDENTIAL MATTERS (continued):**

Moved by Alderman Norm Johnson and seconded by Alderman Mike Rehner:

That, the next portion of this meeting be closed to the public to consider the following pursuant to Section 239(2) of the Municipal Act 2001 (10:57 p.m.):

1. personal matters about an identifiable individual including labour relations and/or employee negotiations (including municipal or local board employees).

- Carried.

**NOTE:** Alderman Douglas Joyner declared a conflict of interest and/or disclosure of pecuniary interest with respect to the appointment of Deputy Fire Chief, due to the fact that he had a family member that had applied for the position. Alderman Joyner advised he would not be taking part in any discussion nor voting with respect to this matter and left the Council Chambers during discussion of this issue (Item (b) of Confidential Matters).

Moved by Alderman Mary Dinga and seconded by Alderman Mike Rehner:

That, this Council meeting does now resume in open session at 11:20 p.m.

- Carried

- (a) CAO

Re: Personnel Matter–Identifiable Individual–Appointment of Deputy Fire Chief

**NOTE:** Alderman Douglas Joyner declared a conflict of interest and/or disclosure of pecuniary interest with respect to the appointment of Deputy Fire Chief, due to the fact that he had a family member that had applied for the position. Alderman Joyner advised he would not be taking part in any discussion nor voting with respect to this matter and left the Council Chambers during discussion of this issue.

The Committee rose without reporting.

- (b) CAO (Continued)

Re: RFD-CAO-11-08 Shared Services Agreement - Drainage Superintendent Services (West Lincoln, Pelham and Wainfleet)

**REFERRED FROM OTHER BUSINESS**

Moved by Alderman Mike Rehner and seconded by Alderman Norm Johnson:

1. That, Report RFD-CAO-11-08, dated December 15, 2008, regarding “Shared Service Agreement – Drainage Superintendent Services (West Lincoln, Pelham and Wainfleet)” be received; and,

2. That, based on the recommendation from the Joint Services Committee, the Township of West Lincoln, the Town of Pelham and the Township of Wainfleet extend the shared service arrangement with respect to the sharing of Drainage Superintendent Services; and,
3. That a by-law be passed authorizing the Mayor and Clerk to sign an agreement between the Township of West Lincoln, Town of Pelham and the Township of Wainfleet for the sharing of services of a Drainage Superintendent.

- Carried

- (c) Alderman Sue-Ellen Merritt  
Re: New Item of Business - Confidential Matter – Identifiable Individual – Committee of Adjustment (File A19/2008WL)

Council rose without reporting.

**11. BY-LAWS: (cont'd)**

Moved by Alderman Douglas Joyner and seconded by Alderman Sue-Ellen Merritt:

That, leave be granted to introduce the following by-law and the same be now read a first time:

- (a) By-law 2008-155 To authorize an Agreement between the Corporation of the Township of West Lincoln, the Corporation of the Town of Pelham and the Corporation of the Township of Wainfleet for Drainage Superintendent Services

- Carried

Moved by Alderman Douglas Joyner and seconded by Alderman Sue-Ellen Merritt:

That, By-law 2008-155 just read a first time be now read a second and third time and finally passed and that the Mayor and Clerk do sign and seal the same, any rule of this Council to the contrary notwithstanding.

- Carried

**NOTE:** Alderman Douglas Joyner declared a conflict of interest and/or disclosure of pecuniary interest with respect to the appointment of Deputy Fire Chief, due to the fact that he had a family member that had applied for the position. Alderman Joyner advised he would not be taking part in any discussion nor voting with respect to this matter.

Moved by Alderman Norm Johnson and seconded by Alderman Mary Dinga:

That, leave be granted to introduce the following by-laws and the same be now read a first time:

- (a) By-law 2008-158 To appointment a Deputy Fire Chief for the West Lincoln Fire Department
- (b) By-law 2008-159 To appointment Municipal Law Enforcement Officers for the Corporation of the Township of West Lincoln

- Carried

Moved by Alderman Norm Johnson and seconded by Alderman Mary Dinga:

That, By-laws 2008-158 and 2008-159 just read a first time be now read a second and third time and finally passed and that the Mayor and Clerk do sign and seal the same, any rule of this Council to the contrary notwithstanding.

- Carried

**13. ADJOURNMENT:**

Moved by Alderman John Glazier and seconded by Alderman Douglas Joyner:

That, this Council meeting does now adjourn at the hour of 11:28 p.m. and if a special meeting is required it will be at the call of the Mayor.

- Carried

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**JOANNE SCIME, DEPUTY CLERK**

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**MAYOR KATIE TROMBETTA**